

1 pursuant to Federal Rule of Civil Procedure 23(b)(3); (2) the potential for inconsistent
2 rulings, should the court grant conditional certification of a Blockbuster class for settlement
3 purposes and then subsequently conclude, within the context of any future motion for class
4 certification in the Blockbuster subscriber action, that certification of a litigation class were
5 *not* warranted; and (3) the likelihood that the Blockbuster class will be able to satisfy
6 antitrust standing requirements. The denial is without prejudice to plaintiffs' ability to renew
7 the motion at a later date.

8 2. Defendant Netflix's motion to decertify the Netflix litigation class is DENIED,
9 for the reasons stated at the hearing.

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11 **IT IS SO ORDERED.**

12 Dated: March 11, 2011



PHYLLIS J. HAMILTON
United States District Judge